



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,322	02/08/2001	Bernd J.W. Mathiske	0007056-0047/P5134/RSB	5892

32615 7590 04/02/2004

OSHA NOVAK & MAY L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER

BRADON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
----------	--------------

2188

DATE MAILED: 04/02/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/779,322

Applicant(s)

MATHISKE ET AL.

Examiner

Reginald G. Bragdon

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 13 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-12, 14-24 and 26-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings filed on 23 April 2001 have been approved by the Examiner.

Specification

2. The abstract of the disclosure is objected to because it is greater than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 6-8, 14-24, and 30-32 objected to because of the following informalities:

As per claim 6, line 3, "has" should be --have--.

As per claim 7, line 2, "has" should be --have--.

As per claim 14, lines 2-3, "the global store buffer" should be --a global store buffer--.

As per claim 18, line 3, "has" should be --have--.

As per claim 19, line 2, "has" should be --have--.

As per claim 30, line 4, "has" should be --have--.

As per claim 31, line 4, "has" should be --have--.

All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 4, there is a sentence (“marking a plurality of the dedicated mark bits, if they are not set.”) at the bottom of page 26 of the specification (under claim 4) that may or may not belong with the limitations of claim 4. Clarification is required as to whether claim 4 should include this sentence.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 13, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Alpern et al. (6,510,440).

As per claims 1, 13, and 25, Alpern et al. teaches a garbage collection system that creates remembered sets. The remembered set 172 contains, among other items, duplicate entries (see

Art Unit: 2188

column 8, lines 64-67; “maintaining the remembered set as a bag”). As a result of garbage collection (“identifying when an event occurs”), the remembered set is processed during step 640 of figure 6 to, among other actions, remove duplicate entries (“transforming the remembered set into a set when the event occurs”). See column 8, lines 64-67.

Allowable Subject Matter

8. Claims 2-3, 5-12, 14-24, and 26-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

All “OFFICIAL” patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(703) 872-9306**:

“INFORMAL” or “DRAFT” FAX communications may be sent to the Examiner at **(703) 746-5693**, only after approval by the Examiner.

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

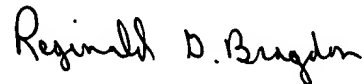
Art Unit: 2188

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (703) 305-3823. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (703) 306-2903.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RGB
March 30, 2004



Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2188